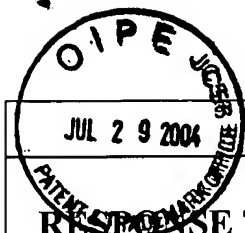


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EXPRESS MAIL LABEL NO. EV 462 737 295 US

RESPONSE TO RESTRICTION REQUIREMENT Address to: Commissioner of Patents and Trademarks Washington, D.C. 20231	Application No.	10/072,640
	Confirmation No.	3253
	Filing Date	February 6, 2002
	First Named Inventor	BENETTI DIAZ de BRITO, JUAN IGNACIO
	Examiner	THANH, LOAN H.
	Group Art Unit	3763
	DOCKET NO.	ACME-001

Sir:

This is in response to the Restriction Requirement dated June 30, 2004. The Examiner therein required election of one of the following groups of claims:

- Group I: Claims 1-24, drawn to a system for monitoring and controlling temperature of an organ;
 and
 Group II: Claims 25-39, drawn to a method of monitoring and controlling temperature of an organ.

Applicants hereby elect to prosecute the claims of Group I, claims 1-24 with traverse. As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine it, on the merits, even though it includes claims to independent or distinct inventions. It is Applicants' position that it would not be unduly burdensome to perform a search on claims 1-39 together. Furthermore, while the system and method claims are related as a product and a process for using a product, the method claims, as written, are limited to use of the system of claim 1, not just any product. Accordingly, the two claimed inventions are not so distinct as to require restriction. Applicants traverse the restriction requirement.

Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.



Atty Dkt. No.: ACME-001

USSN: 10/072,640

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number ACME-001.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: _____

7/29/04

By: _____

Carol M. LaSalle
Registration No. 39,740

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

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PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/072,640
		Filing Date	February 6, 2002
		First Named Inventor	BENETTI, JUAN IGNACIO
		Group Art Unit	3763
		Examiner Name	THANH, LOAN H.
Total Number of Pages in This Submission		Attorney Docket Number	ACME-001
ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
<input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)	
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter	
<input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement; postcard	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> CD, Number of CD(s)		
Remarks			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Signing Attorney/Agent (Reg. No.)	CAROL M. LASALLE, 39.740 BOZICEVIC, FIELD & FRANCIS LLP		
Signature			
Date	July 29, 2004		

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